



January 17, 2016

To the Honorable Judge John K Sherwood

Re: Case 15-30685-JKS

David Sadek-- Bankruptcy

U.S. Bankruptcy Court MLK Jr Federal Building 50 Walnut Street Newark, NJ 07102

To The Honorable Judge Sherwood,

My name is Abba Horovitz of Chashmonaim Israel.

I wish to inform the court of certain information that could prove to be important for the decision regarding Mr Sadek's bankruptcy petition.

My Sadek is currently suing me in the District court of Lod, Israel. The lawsuit has been on going for over two years, in which time, Mr Sadek has been ordered to deposit two different tranches of monies. He has already deposited 35,000 Israel shekels ( approximately \$10,000 US) in the court's account . These monies were required to guarantee that he have sufficient funds to pay court costs.

On January 7,2016, subsequent to Mr Sadek's bankruptcy filing, the Israeli District Court, ordered Mr Sadek pay an additional 10,000 Israeli Shekels (approximately \$2500) to the Court.

I felt that this information could be helpful to the court. These are monies that should otherwise be used to pay his creditors and instead are being used to pursue a frivolous lawsuit that was already dismissed in the US.

(<http://chapter11cases.com/2013/07/27/new-bankruptcy-opinion-sadek-v-horovitz-dist-court-d-n-ew-jersey-2013/>) Mr. Sadek sued me in the US, while bankrupt (the first time) and failed to tell the court or even his lawyer of his status.

Mr. Sadek must also expend significant monies on lawyers as well as expert opinions and I wonder how he is allowed to do this at the expense of his creditors. The lawsuit in Israel, is to procure documents for a period of time that the US statute of limitations does not require.

Sincerely,

Abba Horovitz



בית המשפט המחוזי מרכז-לוד

07 ינואר 2016

ת"א 3395-06-14 סאדק נ' הורביץ

החלטה

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1. התובע יגיש חוות דעת משלימה לחוות דעת המומחה מטעמו עד ליום 15.1.16.
  2. הנתבע יגיש חוות דעת מומחה מטעמו עד ליום 9.2.16.
  3. הנני מחייב התובע להפקיד העירבון הנוסף בסכום של 10,000 ₪ אשר נקבע בהחלטתי מהיום עד ליום 1.3.16.
  4. מובהר בזאת כי כל צד יהיה חייב להמציא לביהמ"ש את המסמכים אשר הוא חייב בתרגומם ובאישור נוטריוני בהתאם להחלטת בית המשפט מהיום, עד ליום 7.3.16.
  5. נקבע להמשך קדם משפט ליום 5.5.16 בשעה 10:00.

ניתנה והודעה היום כ"ו טבת תשע"ו, 07/01/2016 במעמד הנוכחים.

ב. אינן

בנימין ארנון, שופט

הוקלד על ידי מרגלית לולו

Court Protocol (translation)

**Decision:**

3) I (the judge) obligate the plaintiff to deposit as an additional guarantee, the amount of 10,000 shekels, which was set by my decision from today until March, 1, 2016.

Judge Benjamin Arnon

**From the NJ District Court**

V. Conclusion

While both sides also briefed and argued for and against dismissal under Fed. R. Civ. P. 8(a)(2), their arguments need not be addressed. Per the analysis in sections IV (C) and (D) above, the Court is satisfied that dismissal is warranted under Fed. R. Civ. P. 12(b)(2) and the doctrine of FNC. Having so found, the Court need not rule on the effect of Sadek's failure to list this lawsuit in his bankruptcy filings. **The Court notes, however, that his explanations fall short and the weight of authority support Horovitz's argument that Sadek's claims belong to the bankruptcy trustee.**

Horovitz's motion to dismiss [D.E. 38] is granted. An appropriate order will be entered.